

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

GWENDOLYN WHITE,

Plaintiff,

v.

DOLLAR TREE STORE INC.,

Defendant.

Civil Action  
File No.:

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**PETITION FOR REMOVAL**

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TO: The Honorable Judges of the United States District Court for the Northern  
District of Georgia, Atlanta Division

COMES NOW Defendant, Dollar Tree Stores Inc. (hereinafter, “Dollar Tree”),  
improperly called Dollar Tree Store, Inc., by and through its undersigned counsel, and  
files its Petition for Removal and respectfully show this Court the following:

1. A civil action has been filed and is now pending in the Superior Court of  
DeKalb County, State of Georgia designated as Civil Action File No. 23CV3881.

2. The Summons and Complaint in that action were filed in the Superior Court of DeKalb County on April 14, 2023. Dollar Tree Store Inc. was served on August 14, 2023. Thus, it timely files this Petition for Removal.

3. Defendant files herewith a copy of all process, pleadings, and orders including the Summons and Complaint in this action, pursuant to 28 USC § 1446. (Attached hereto as Exhibit “A”).

4. Defendant Dollar Tree is now, was at the commencement of this suit, and at all times since been a corporation organized and existing under the laws of the State of Virginia with its principal place of business located at 500 Volvo Parkway, Chesapeake, Virginia, 23320. Thus, Dollar Tree is not a citizen of the State in which the State Court action is brought.

5. Plaintiff, Gwendoly White, is a citizen of Georgia. Thus, there is complete diversity among the Parties.

6. In addition to establishing diversity of citizenship among the Parties, the removing party must also prove that the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

7. Ms. White’s Complaint alleges that she sustained serious and severe injuries when a u-boat was pushed into her back on April 14, 2021. [Compl. ¶¶ 10, 11, 19]. Specifically, she claims that she incurred medical and related expenses in the

amount of \$40,000.00. [See, Compl.]. Further, Ms. White alleges that as a result of the incident, she has been damaged in the sum of \$500,000.00. [Compl. ¶¶ 16].

Ms. White is also claiming that as a result of this incident, she will for an indefinite time in the future suffer great pain, inconvenience, embarrassment and mental anguish; and she will for an indefinite time in the future be deprived of ordinary pleasures of life loss of well-being and equanimity, and her overall health, strength and vitality have been greatly impaired. [Compl. ¶¶ 8.].

8. In Harris v. Bloomin' Brands, Inc., 1:18-cv-05078-ELR (N.D. Ga. 2019), Judge Ross found that the amount in controversy exceeded the \$75,000 jurisdictional minimum even though the plaintiff only alleged \$10,985.75 in incurred medical expenses. There the plaintiff alleged she sustained serious injuries to her spine, back, neck, and left knee, and that she will require future medical treatments including injections and that she suffers a reduced earning capacity and permanent impairment.

Another recent case is the case of Johnson v. Blackburn, 2:16-CV-989-KOB, 2016 WL 5816114, at \*2 (N.D. Ala. Oct. 5, 2016). There the plaintiff alleged he suffered severe injuries to his head, neck, and back. Based on the plaintiff's allegations, the District Court in Johnson found that using judicial experience and common sense, it could infer that the complaint meets federal jurisdictional requirements. Id.

Here, similar to the Plaintiff in Harris, Ms. White alleges that she severely injured her back and will require future medical treatment. Ms. White has already incurred medical bills four times more than the plaintiff in Harris and anticipates more treatments. Further, Ms. White contends that she has been damaged in the sum of \$500,000.00. These allegations are similar to the allegations in both Harris and Johnson. Further, based on Ms. White's admission that she has been damaged in the sum of \$500,000.00, it is clear that the jurisdictional minimum is met here.

9. Therefore, the action described above is a civil action with a claim of which this Court has original jurisdiction, and it is one that may be removed to this Court by Defendant pursuant to the provisions of 28 U. S. C. §§ 1332, 1367, and 1441 et seq., in that there is complete diversity among the parties and the Defendant is not a resident of the State of Georgia, the Parties are not residents of the same state, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

10. This action is currently pending in the Superior Court of DeKalb County, Georgia, which is within the jurisdiction of the Northern District of Georgia, Atlanta Division. 28 U.S.C.A. § 1446(a).

12. Defendant attaches a copy of Defendant's Notice of Removal that will be filed in the Superior Court of DeKalb County, Georgia marked as Exhibit "B."

WHEREFORE, Defendant prays the above action now pending before the Superior Court of DeKalb County, Georgia be removed to this Court's jurisdiction.

This 6<sup>th</sup> day of September, 2023.

Goodman McGuffey LLP  
Attorneys for Dollar Tree Stores Inc.

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**CERTIFICATE OF SERVICE**

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This is to certify that I electronically filed this **PETITION FOR REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

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This 6<sup>th</sup> day of September, 2023.

/s/ James T. Hankins, III

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